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NAIRJC JOURNAL PUBLICATION

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ISSN NO: 2454 - 2326

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## DOMESTIC VIOLENCE ACT AND WOMEN: A CRITICAL ANALYSIS

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### ABSTRACT

*The women in India were playing multiple roles for the betterment and well being of the family and its members. The toil of women in India is often going unrecognized in the male dominated society. Besides, the women are subject to discrimination, physical and mental abuse. Almost in all poor and middle class households' women facing one kind or other kind of violence. They are bearing all such odds and adjusting herself to live with their husbands. But, when such violence becomes unbearable she is resorting to suicides or parting with their husbands. The present paper makes an attempt to analyze the family background and type of violence they are facing.*

### INTRODUCTION

Violence implies destruction, anger, and pain; while family suggests the qualities of caring, love, and joy. Domestic violence occurs at all familial levels-between couples, in parent-child relationships, sibling relationships, and oftentimes, dating relationships. Domestic violence is deeply rooted in the lives of many American families. Yet, closely interwoven are the words “family” and “violence”, even now. Many female victims of domestic violence become victims of their own psychological realities (Hurley, Sullivan & McCarthy, 2007). Financial viability can be limiting for many female victims along with other barriers they face when attempting to flee safely from violent situations (Murray, 2008). While there are various types of domestic violence situations, here the focus has to do with violence directed toward females and the psychological impact many female victims experience throughout the court proceedings.

### LAWS FOR DOMESTIC VIOLENCE

The law, significantly, recognizes the need of the abused woman for emergency relief, which will have to be provided by the husband. A woman cannot be stopped from making a complaint/application alleging domestic violence. She has the right to the services and assistance of the Protection Officer and Service Providers, stipulated under the provisions of the law.



A woman who is the victim of domestic violence will have the right to the services of the police, shelter homes and medical establishments. She also has the right to simultaneously file her own complaint under Section 498A of the Indian Penal Code.

Sections 18 to 23 provide a large number of options for legal redressal. She can claim through the courts Protection Orders, Residence Orders, Monetary Relief, Custody Order for her children, Compensation Order and Interim/ Ex parte Orders. If a husband violates any of the above rights of the aggrieved woman, it will be deemed a punishable offence. Charges under Section 498A can be framed by the magistrate, in addition to the charges under this Act. Further, the offences are cognizable and non-bailable. Punishment for violation of the rights enumerated above could extend to one year's imprisonment and/or a maximum fine of Rs. 20,000.

An important aspect of this law is that it aims to ensure that an aggrieved wife, who takes recourse to the law, cannot be harassed for doing so. Thus, if a husband is accused of any of the above forms of violence, he cannot during the pending disposal of the case prohibit/restrict the wife's continued access to resources/ facilities to which she is entitled by virtue of the domestic relationship, including access to the shared household. In short, a husband cannot take away her jewelry or money, or throw her out of the house while they are having a dispute.

If a husband violates any of the above rights of the aggrieved woman, it will be deemed a punishable offence. Charges under Section 498A can be framed by the magistrate, in addition to the charges under this Act. Further, the offences are cognizable and non-bailable. Punishment for violation of the rights enumerated above could extend to one year's imprisonment and/or a maximum fine of Rs. 20,000.

According to Section 305, Indian Penal Code, often victims of domestic violence, especially brides harassed for dowry, are driven to commit suicide. Abetment of suicide of a delirious person is an offence punishable with death or life imprisonment. Abetment of suicide is also an offence punishable with ten years imprisonment.

Various forms of domestic violence like female infanticide, forcing the wife to terminate her pregnancy had already been recognized under Sections 313 to 316 of Indian Penal Code.

## OBJECTIVES

1. To study the family background of women facing violence.
2. To find out the different types of violence facing by women victims in the study area.

## AGE OF RESPONDENTS

The physical strength is essential to work and to look after agricultural activities. Age is the important factor which decides the physical and mental capacities of human beings. The age particulars of sample respondents are presented in table 1.

**Table -1**  
**Age Wise Distribution of Respondents**

S. No.	Age Groups	No. of Respondents	Per cent
1	Less than 25	21	7.78
2	26-30 Years	82	30.37
3	31-35 Years	93	34.44
4	36-40 Years	48	17.78
5	41 Years and above	26	9.63
<b>Total</b>		<b>270</b>	<b>100.00</b>

**Source:** Field Data

Table 1 reveals that large number of sample respondents belong to productive age group of 26-40 years. Among them 34.44 per cent of sample respondents were in the age group of 31-35 years, nearly 30.37 per cent are in the age group of 26-30 years and 17.78 per cent are in the age group of 36-40 years. Around 7.78 per cent of the respondents were less than 25 years of age. Nearly 9.63 per cent of sample respondents have 41 years and above.

## EDUCATIONAL LEVEL

The consciousness about the rights and duties of women in a family largely depends upon her education status. Table 2 furnishes the particulars of educational levels of sample respondent women.

**Table-2**  
**Educational Status of Sample Respondents**

S. No.	Level of Education	No. of Respondents	Per cent
1	Illiterate	53	19.63
2	Neo-literate	44	16.30
3	Primary	79	29.26
4	Upper Primary	51	18.89
5	High School	33	12.22
6	College	10	3.70
<b>Total</b>		<b>270</b>	<b>100.00</b>

**Source:** Field Data

\*One who only signs his own signature.

The data in table 2 shows that 35.93 per cent of sample respondent women were either illiterates or neo-literates. To be precise nearly 19.63 per cent of sample women are illiterate and 16.30 per cent of respondents were neo-literate. These neo-literates have no formal education. But somehow they are able to sign their own signature. Among the literates nearly 29.26 per cent of sample women have completed primary education. About 18.89 per cent of respondents have access to upper primary education. Nearly 12.22 per cent of sample women respondents studied up to high school level. Only 10 out of 270 constituting 3.70 per cent of total sample have access to college education. It can be concluded that sample respondent women is decreasing with an increase in educational level and vice versa.

## TYPE OF FAMILY

The living conditions of women in a household depend upon the type of family in which she lives. As such during field study the type of family of sample respondents' is registered and the same is presented in table 3.

**Table - 3**  
**Type of Family of Sample Respondents**

S. No.	Type of Family	No. of Respondents	Per cent
1	Nuclear	169	62.59
2	Joint	84	31.11
3	Extended	17	6.30
<b>Total</b>		<b>270</b>	<b>100.00</b>

**Source:** Field Data

It can be noted from table 3 that a preponderant majority i.e. 62.59 per cent of sample women was living in joint families. Around 31.11 per cent of sample respondent women were living in nuclear families. The respondent's living in extended families constitutes 6.30 per cent of total sample. It can be concluded that most of the victims of domestic violence are living in big families in the study area.

## PRIMARY OCCUPATION

The primary occupation of sample women respondents has been elicited during field survey and the details are presented in the Table 4.

**Table - 4**  
**Primary Occupation of Sample Respondents**

S. No.	Occupation	No. of Respondents	Per cent
1	House Wife	152	56.30
2	Ag. Labour	68	25.19
3	Non, Ag Labour	29	10.74
4	Petty Business	8	2.96
5	Others	13	4.81
<b>Total</b>		<b>270</b>	<b>100.00</b>

**Source:** Field Data

Table 4 shows that the primary occupation of the 56.30 per cent of the respondents is housewives. Around 25.19 per cent of the respondents' primary occupation is agriculture labour. Non agriculture labour is the primary occupation 10.74 per cent of sample respondents. Nearly 2.96 per cent sample women respondents are dependent on petty business for livelihood. The primary occupation of 4.81 per cent of sample respondent women is like private jobs, tailoring, embroidery, maid servant etc.

**TYPE OF MARRIAGE**

The type of marriage is also one of the factors which instigate violence against women in India. Table 5 gives the details of type of marriage of sample women.

**Table 5**  
**Type of Marriage of Sample Women**

S. No	Type of marriage	No. of Respondents	Per cent
1	Love Marriage	68	25.19
2	Arranged Marriage	128	47.41
3	Love cum Arranged marriage	74	27.41
<b>Total</b>		<b>270</b>	<b>100.00</b>

**Source:** Field Data

Table 5 shows that as many as 47.41 per cent of sample women's marriage is arranged one by the elders of the family. In case of 27.41 per cent the type of marriage is love cum arranged one. Nearly one-fourth of respondent women's marriage is love marriage. It can be concluded that the domestic violence is occurring in arranged as well as love marriages.

**WOMEN VICTIMS PERCEPTION OF DOMESTIC VIOLENCE**

The perceptions of domestic violence by respondents who were victims and had to suffer on that account and those who did not experience any violence so far are likely to be different. Such a perception depends upon their life situations, values and availability or non-availability of alternatives. Further, their reactions are likely to be coloured by presence or absence of other family members. Those who are abused in the presence of others are more likely to feel humiliated as they may develop a feeling of having been let down in the eyes of others. To understand the perception of domestic violence the respondents were asked as to what in their opinion constituted domestic violence against women. The responses are recorded in the following table.



**Table 6**  
**Respondents' Perception on the forms of Domestic Violence Faced by them**  
**(Multiple Responses)**

S. No	Form of Violence	No. of Respondents	Per cent
1	Beating	145	53.70
2	Torturing	187	69.26
3	Scolding	209	77.41
4	Insulting Repeatedly	162	60.00
5	Sexual Abuse	91	33.70
6	Suspecting Character	109	40.37
7	Repeated Quarrels	152	56.30
8	Mental Harassment	139	51.48
9	Rude Behaviour	173	64.07
10	Others	21	7.78

**Source:** Field Data

It is evident from table 6 that a preponderant majority i.e. 77.41 per cent of sample women declared that they are often scolded by their in-laws, husband, sister-in-laws and other members of family. The form of violence faced by 69.26 per cent of sample respondents is physical torture at their in-laws home. Rude behaviour of in-laws and other family members is reported by 64.07 per cent sample women victims. Repeated insults and quarrels is facing by 60 per cent and 56.30 per cent of sample women victims. Beating by the husband is the violence faced by 53.70 per cent of sample women. Sexual Abuse is being faced by 33.70 per cent of women. Suspecting one's character was perceived as a most derogatory form of domestic violence against women and large majority of women perceived this as the most dangerous act of the perpetrators of domestic violence. It is reported by 40.37 per cent of sample women. Other form of violence is reported by 7.78 per cent of sample women respondents.

## CONCLUSION

Domestic violence is one of the most complex issues in India. Such phenomenon has deep and primordial roots embedded in social-cultural structure of this country; therefore people could hardly deal with the legal aspect separately. One precondition of improving the implementation of the Domestic Violence Act is to increase women's awareness of it. Also, effective trainings for each role of departments involved in the implementation of the Act are necessarily. To complete the system, there should be sufficient budget invested with well superintendence.

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